

**AGENDA REQUEST**  
**BUSINESS OF THE ZONING BOARD OF ADJUSTMENT**  
**CITY OF SUGAR LAND, TEXAS**

**AGENDA OF: 03/28/05 DEPT OF ORIGIN: DEVELOPMENT SVCS. REQ. NO. III A**

**DATE SUBMITTED: 03/22/05**

**PREPARED BY: TYLER SORRELLS, PLANNER**

**SUBJECT: REQUESTED VARIANCE TO THE REAR YARD SETBACK REGULATIONS  
IN THE RESTRICTED SINGLE-FAMILY RESIDENTIAL (R-1R) DISTRICT  
AT 3915 WOODHOLLOW COURT**

**PROCEEDING: PUBLIC HEARING; CONSIDERATION AND ACTION**

**CLEARANCES: DOUGLAS P. SCHOMBURG, AICP, ASST. CITY PLANNER *D.P.S.***

**SABINE A. SOMERS-KUENZEL, AICP, CITY PLANNER *A.K.***

**EXHIBITS: VICINITY MAP, PROPOSED SITE PLAN, APPLICATION, RECORDED  
PLAT**

**EXECUTIVE SUMMARY**

Mr. Don Janssen, owner of 3915 Woodhollow Court, is requesting a variance from the Sugar Land Development Code, Chapter Two, Section 2-73, from the required rear yard setback of 30' in the Restricted Single-Family Residential (R-1R) District for property located 3915 Woodhollow Court (Lot 13, Block Three) in the Colony Woods Section One subdivision. The property is currently developed with a single-family residence and the applicant proposes to construct a new addition to the house at the rear using the original recorded covenants, conditions, and restrictions (CCR's) which allow a 15' rear building line.

The Colony Woods subdivision was platted and developed prior to annexation into the City of Sugar Land corporate limits. As a result, setbacks provided for by plat and covenants, conditions, and restrictions (CCR's) do not correspond directly with the R-1R Zoning District. Since annexation in 1997, the Zoning Board of Adjustment has granted a number of variances in the general area taking these issues into account.

### **PUBLIC HEARING:**

The Notice of Public Hearing was published in a newspaper of general circulation, all property owners within 200 feet of the proposed site were notified, and the public hearing notice was published on the City of Sugar Land's Internet Home Page. Staff has also placed a courtesy notification sign on the property indicating a public hearing. Staff has received three regarding this request at the time of the writing of this report.

### **DEVELOPMENT CODE CRITERIA FOR VARIANCES:**

For a variance request to be approved, the Zoning Board of Adjustment is required to consider each case in light of the criteria set forth in the Texas Local Government Code and the City of Sugar Land Development Code:

- (a) There are special circumstances or conditions applying to the land or Building for which the variance is sought, which circumstances or conditions are peculiar to the land or Building and do not generally apply to land or Buildings in the same zoning district or neighborhood, and that the circumstances or conditions are such that the strict application of the provisions of these regulations would deprive the applicant of reasonable use of such land or Building; and
- (b) The granting of the variance will not be detrimental to the public welfare or injurious to the property or improvements in the district or neighborhood in which the property is located; and
- (c) The granting of a variance is necessary for the reasonable use of the land or Building and is the minimum variance that will accomplish this purpose.
- (d) That literal enforcement and strict application of the provisions of these zoning regulations will result in an unnecessary hardship inconsistent with the general provisions and intent of these zoning regulations and that, in granting the variance, the spirit of these zoning regulations will be preserved and substantial justice done.

### **ANALYSIS**

#### **(a) SPECIAL CIRCUMSTANCES**

Colony Woods Section One subdivision is located adjacent the Sweetwater subdivision and Palm Royale Boulevard. The property was platted in 1988, developed during the

1990's, and annexed into the City of Sugar Land in 1997 as a part of the large First Colony Municipal Utility District annexations. Up to the time of annexation, covenants, conditions, and restrictions (CCR's) recorded with the plat of the subdivision required a 15' rear setback for the property. Lot 13, Block Three has characteristics similar to properties where variances were previously granted in the general area. This lot does not meet the minimum R-1R requirements as to depth of 125'.

**(b) PUBLIC WELFARE**

Public welfare will not be jeopardized by approval of this requested variance.

**(c) REASONABLE USE OF LAND**

The granting of this variance is consistent with previous City staff and Zoning Board of Adjustment decisions regarding reasonable use of the land and is in line with recorded restrictions in place for the property since plat recordation in 1988. Aerial photos and GIS information show that the majority of the homes within the 200' notification radius have principal or secondary structures located immediately off of the rear property lines. This proposal would preserve a minimum of 15' at the rear.

**(d) SUBSTANTIAL HARDSHIP**

The issues of annexing property into the City that was not originally platted under the zoning district standards that now apply can create hardships for lots. This property appears to meet the substantial hardship criteria based on the factors previously described.

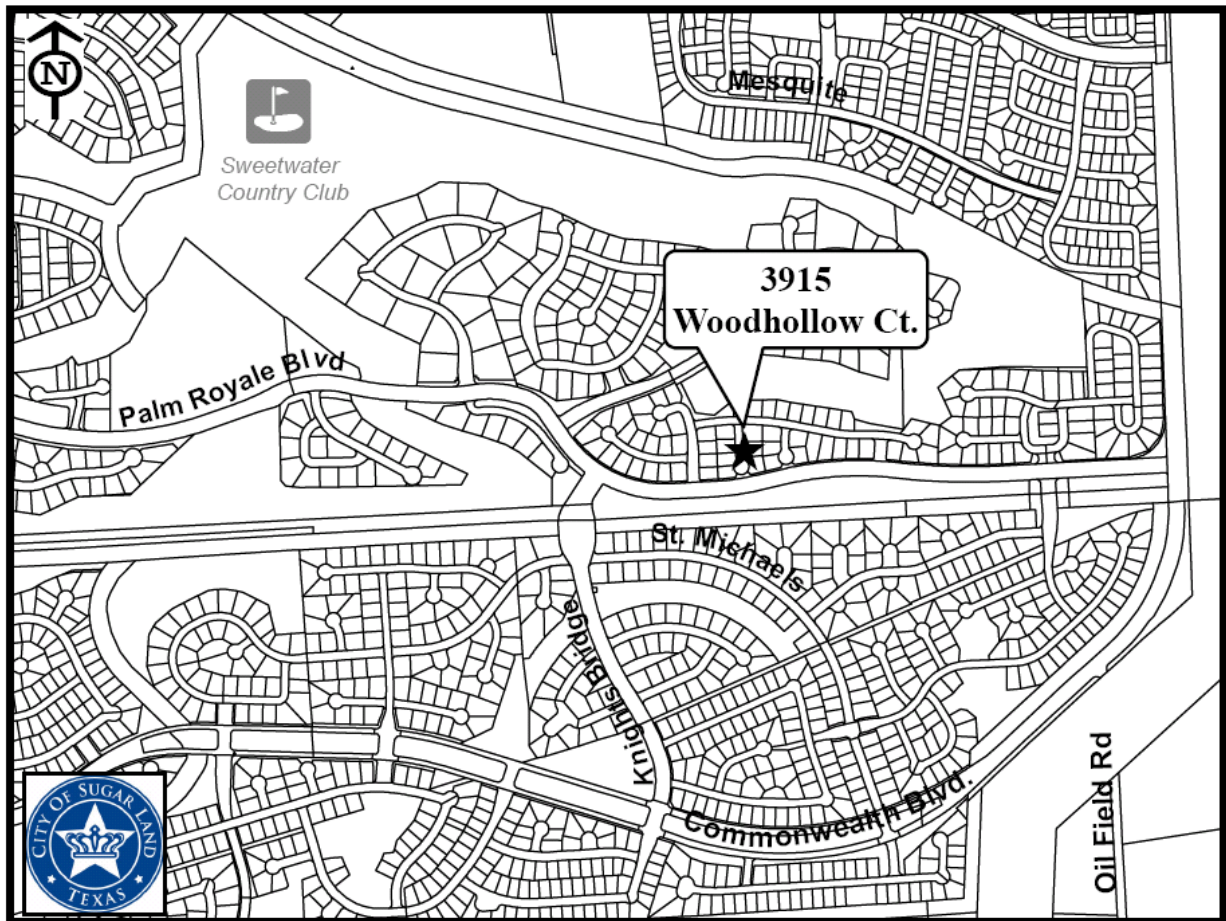
**CONCLUSIONS AND RECOMMENDED ACTION:**

Hold a Public Hearing in accordance with Chapter Two of the Development Code and State Law. The Development Services Department has concluded that the site meets the four variance criteria for approval by the Zoning Board of Adjustment. Therefore, the proposed variance allowing a 15' setback for Lot 13, Block Three, Colony Woods, Section One is recommended for approval.

CC: Don Janssen (applicant) [donj@pcdltd.com](mailto:donj@pcdltd.com)

File No. P0003430

**Vicinity Map:**



**Aerial Photo of Colony Woods Section One Area:**



**3915  
Woodhollow Ct.**

BEING LOT 13, BLOCK 3, IN COLONY WOODS, SECTION 1, AS RECORDED IN SLIDE NUMBER 943/B & 944/A, OF THE PLAT RECORDS OF FORT BEND COUNTY, TEXAS.

**Proposed Addition at Rear**

LOT 9

LOT 12

LOT 13 BLOCK 3

25' BUILDING LINE

8' UTILITY EASEMENT

11'6" AERIAL EASEMENT

POOL

CONCRETE PATIO

BRICK PAVERS

NEW LANDSCAPED COURTYARD

TWO STORY HOUSE

NEW GARAGE

NEW WROUGHT IRON FENCE

EXPANDED DRIVEWAY

CONCRETE DRIVE

MANHOLE

TELEPHONE

POOL PUMP

0.3' BRICK WALL

RESERVE "B"

S 13°03'22"E 104.04'

N 83°23'53"E 120.00'

S 76°56'38"W 67.32'

R=1586.00' L=33.07'

R=50.00' L=83.55'

R=25.00' L=21.75'

50°43'09"W 29.38'

1.7' X 0.8' BRICK COLUMNS

City of Sugar Land

"Reviewed for Code Compliance"

Reviewed by *[Signature]*

Approved by *[Signature]*

Date *3/1/05*

NOTES:

1. AGREEMENT WITH THE CITY OF SUGAR LAND AS SET OUT IN VOLUME 2008, PAGE 2213, O.R.F.B.C.
2. AGREEMENT FOR CATV AS SET OUT IN VOLUME 1107, PAGE 809, D.R.F.B.C. & VOLUME 1903, PAGE 1722, O.R.F.B.C.
3. ALL BEARINGS SHOWN HEREON ARE BASED UPON THE RECORDED PLAT.
4. AN AERIAL EASEMENT EXISTS AT A PLANT 16' ABOVE THE GROUND.

FLOOD MAP:  
THIS PROPERTY LIES IN  
ZONE "X", AS PER COMMUNITY  
PANEL No. 481485 0255 J  
EFFECTIVE DATE 01-03-97

PLAT OF SURVEY

SCALE: 1" = 20'

FLOOD MAP:  
THIS PROPERTY LIES IN  
ZONE "X", AS PER COMMUNITY  
PANEL No. 481485 0255 J  
EFFECTIVE DATE 01-03-97

# PLAT OF SURVEY

SCALE: 1" = 20'

City of Sugar Land  
Received for

Reviewed for Code Compliance  
Reviewed by: [Signature]

Reviewed by K. H. Lane  
Approved by K. H. Lane

Date 3/1/05  
AGREEMENT WITH THE COMPANY

1. AGREEMENT WITH J.M. & P. COMPANY  
AS SET OUT IN VOLUME 2098, PAGE  
2213, O.R.F.B.C.

2. AGREEMENT FOR CATV AS SET OUT  
IN VOLUME 1107, PAGE 869, D.R.F.B.C.  
& VOLUME 1903, PAGE 1722 D.R.F.B.C.

3. ALL BEARINGS SHOWN HEREON ARE  
BASED UPON THE RECORDED PLAT

4. AN AERIAL EASEMENT EXISTS AT A PLANE 16' ABOVE THE GROUND.



**Application:**



**CITY OF SUGAR LAND  
PLANNING VARIANCE REQUEST APPLICATION**

Please fill out the following information & return your submittal to the Planning Division,  
2700 Town Center Blvd., N., Sugar Land, TX 77479, Attention: Gretchen Pyle

**SUBDIVISION / PROJECT NAME:**

COLONY WOODS

**APPLICANT:** JIM LAWLESS, AIA / DON JANSSEN

**Address:** 4610 SWEETWATER BLVD., SUITE 200-C

**Company:** JIM LAWLESS, AIA

**Phone:** 281-240-6101

**Fax:** 281-240-7730

**Email:** \_\_\_\_\_

**OWNER / AGENT:**

**Contact / Company:** DON JANSSEN

**Address:** 3915 WOODHOLLOW CT.

**Phone:** 281-265-5050; 281-276-6014(0)

**Fax:** 281-242-2718

**Email:** donj@pcd1td.com

**Type of Variance: (check one)** ☒ **Zoning** \_\_\_\_\_ **Subdivision Regulations**  
**Section of Ordinance from which variance is being sought:**

2-73

**Variance Justification:**

(see attached)

This is to certify that the information on this form is complete, true, and correct and the undersigned is authorized to make this application.

X [Signature]  
Signature of Applicant

**Date:** 3/15/05

**SUBMITTAL REQUIREMENTS: (Zoning)**

- THREE (3) copies of Application
- Submittal Fee: \$500 (non-refundable)
- THREE (3) copies of site plan or plat, including vicinity map
- Address of property owners located within 200 feet

**SUBMITTAL REQUIREMENTS: (Subdivision Regs)**

- THREE (3) copies of Application
- Submittal Fee: \$500 (non-refundable)
- THREE (3) copies of site plan or plat, including vicinity map

## Correspondence from Applicant:

The reason for this request is to allow the expansion of the owner's home into a 30' building setback area. The justification for approval of this request is outlined below. As an aside, it was always the owner's intention to expand to the original 15' building line, which was set by the developer some 15 years ago, and never knew of the change to the Sugar Land Development Code until the building permit was requested.

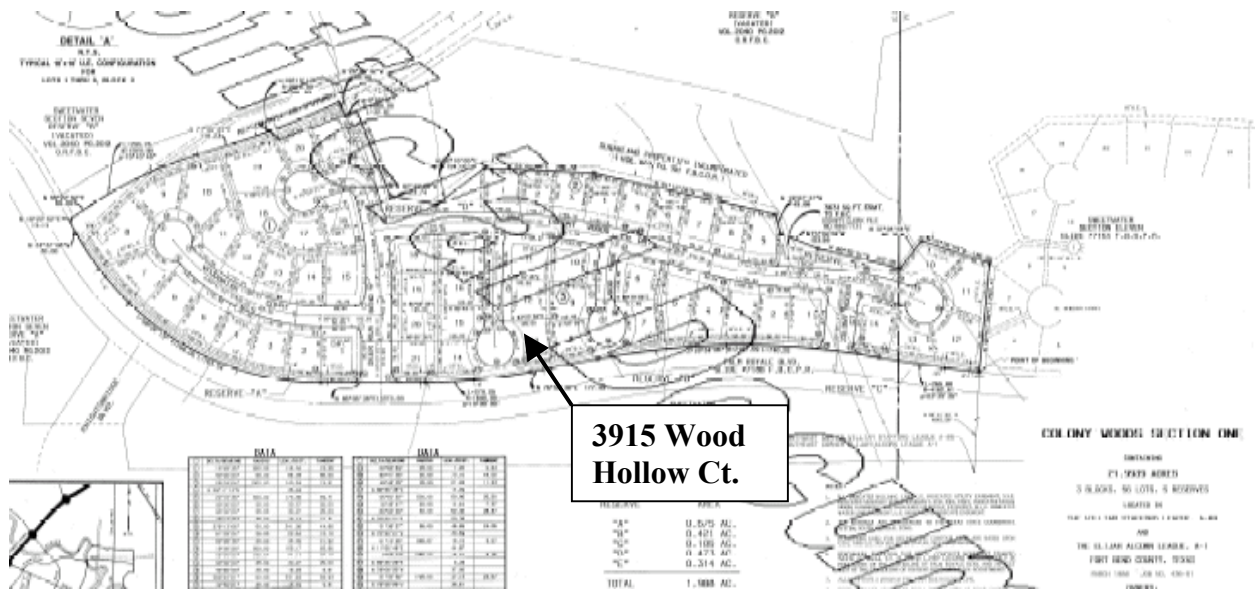
Justification for the variance is found in numerous portions of Sec. 2-73. In subparagraph (c), Minimum Lot Depth is specified as 125'. The subject lot is only 120' in the deepest portion of the lot with the middle of the lot being 98'. This lot does not fit the R-IR requirement – Special Circumstance. Under subparagraph (f) Minimum Yards, if you use the 98' depth, then subtract the 25' front and 30' rear setbacks, this leaves you with only 43' of unencumbered property. This creates a hardship. In fact, the 98' lot depth doesn't even meet the minimum lot depth requirement of 110' for a R-1 zone. Also under subparagraph (f), the Rear Setback of 30' does not provide for a cul de sac lot – Special Circumstance. A 30' rear building line would extend 10' 6" into the existing house.

Also, a precedence has been set by other neighbors and granting this request would not be detrimental. Home values would not be negatively impacted due to an encroachment into the 30' rear setback. The purpose of the 30' rear setback was for larger "estate" lots and not for the Colony Woods subdivision.

Thank you for your consideration of this request.



## EXCERPT OF RECORDED PLAT FOR COLONY BEND SECTION ONE: 1988



### LEGAL DESCRIPTION:

ADDRESS: 3915 WOOD HOLLOW COURT WINDSOR PLACE,  
SUGAR LAND, TEXAS 77479  
PROPERTY IS PLATTED AS:  
LOT 13, BLOCK 3 COLONY WOODS, SECTION 1, RECORDED IN  
SLIDES 943B & 944A, PLAT RECORDS OF FORT BEND COUNTY,  
TEXAS  
(RECORDED IN 1988)